

Federal Defenders
OF NEW YORK, INC.

Eastern District
One Pierrepont Plaza-16th Floor, Brooklyn, NY 11201
Tel: (718) 330-1200 Fax: (718) 855-0760

Leonard F. Joy
*Executive Director and
Attorney-in-Chief*

*Eastern District
Peter Kirchheimer
Attorney-in-Charge*

October 23, 2010

BY HAND AND ECF

Jeffrey Goldberg, Esq.
John Nowak, Esq.
Assistant United States Attorneys
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

RE: United States v. Philip Barry, 09-833 (RJD)

Dear AUSAs Goldberg and Nowak:

Pursuant to Rule 16(b)(1)(c) of the Federal Rules of Criminal Procedure, as we previously advised you, the defense intends to call William Rieber as an expert on Sullivan County real estate.

Mr. Rieber has operated a real estate office in Monticello since the 1970s, working with his father at the outset. He has been selling property in the area as a broker since that time, and has also purchased, subdivided and sold property on his own account on numerous occasions since high school. (We will provide a more precise number of such transactions prior to his testimony). Mr. Rieber's father and son are both real estate appraisers in the area. Mr. Rieber was also a member of the Thompson Town Board (in Sullivan County) from 1981 until this year. The Town Board is charged with drafting zoning ordinances for the town and approving water and sewer plans. The Town Board frequently confers with developers and the Planning Board concerning ordinance changes necessary for development. As such he is intimately familiar with large-scale development in the area.

Mr. Rieber will testify that in his opinion, Mr. Barry's final holdings auctioned in bankruptcy, if properly developed and liquidated, were worth \$50,000 per half-acre on average, or \$160 million. He bases this opinion on the pristine nature of the property, its proximity to Lake Joseph and Lake Melody, the presence of two existing sewer systems, as well as its proximity to major roads. Mr. Rieber believes that Mr. Barry's holdings, which form a largely contiguous body of land, were well situated for high-density development as half-acre lots. The \$50,000 per lot price is predicated on the lots being made "building-ready," meaning that roads, sewer systems, utilities and zoning permits would be in place, but does not include the actual

building of houses. Mr. Rieber will discuss the costs associated with developing Mr. Barry's property to this stage, as well as the time frame that might be necessary to develop and liquidate the land. He will discuss the possibility of developing and selling the land in stages to provide additional capital for development.

Mr. Rieber's opinion as to the general desirability of Mr. Barry's land will be based on his vast experience in the area. He will also rely on specific comparisons to similar lakefront building-ready lots, and noted sales at the nearby Emerald Green Development as one point of comparison. To the extent that Mr. Rieber relies on any specific comparison, we will provide this data to you and expect to do so shortly.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Hoyes", with a stylized flourish extending to the right.

Lisa Hoyes

Michael Weil

Assistant Federal Defenders

(718) 330-1253/407-7413